

October 8, 1986

Mrs. Connie Grove
BROKEN SPUR FARM
P. O. Box 49
New Castle, Utah 84756

Mrs. Grove:

Thank you for your inquiry concerning the Escalante Valley - Beryl-Enterprise Distribution System billing of account 147. I have made an attempt to gather information on account 147 and am enclosing it with this correspondence.

Account 147 is an underground water right based on water user claims 71-3239 and 71-3244 which entitles the owner (Thomas L. Buhl and Rita R. Buhl) to divert up to 440 acre-feet of water from a well located at a point north 240 feet and West 510 feet from the S 1/4 corner of Section 9, T36S, R 15W, SLB&M. The well is a 16 inch diameter well 320 feet deep.

This water right is administered under the Escalante Valley - Beryl-Enterprise Distribution System under the direction of the state engineer and is coordinated with Grant Twitchell who is the distribution system commissioner. The commissioner has been established to help monitor and regulate the usage of water in the Beryl - Enterprise general area.

Each year the commissioner submits records of water used by each account to the distribution accountant who then prepares an assessment to go to each user proportionate to the amount of water used. This covers the operating expenses of the Beryl - Enterprise System as established at the required annual water users meeting held the first part of each year. Assessments and budgets are set by the water users at this meeting to pay the commissioner's salary and expenses and others costs incurred in operating the system.

A record of the annual assessment for account 147 is included in this letter and indicates that up to 1979 the account was paid in full. After that time, however, no payment has been received. Billings were sent to Trusten Hart who was listed on our records as the owner of the right until recently when it was switched to Thomas Buhl at the Broken Spur Farm in Newcastle.

The amounts owed, which are based on the previous year's water use are:

1980	\$15.10
1981	\$16.61
1982	\$38.67
1983	\$22.64
1984	\$17.66
1985	\$19.60
1986	\$6.07

Plus late penalties have been assessed for nonpayment. This totals to \$169.97 including the late fees.

I have included a map showing the approximate area the water under this account is to be used and have identified the general location of the well. A change application was filed in 1985 to move the point of diversion for the well but it has not been approved to this date.

Hopefully this information will give you the assistance required in reviewing the past billings. The users at the annual meeting stressed that all need to pay their equitable share and that delinquent users should have their water use restricted until payments are made. The state engineer by law has been given authority to actually shut off water until delinquent assessments have been paid. Hopefully, the problems can be cleared up before it gets to that point. We will assist you the best we can.

If you have any questions or need further clarifications, please contact Gerald Stoker in our Cedar City Office or me in our Salt Lake Office.

Sincerely Yours,

Kent L. Jones, P. E.
Directing Engineer, Distribution

KLJ:cj

Enclosure

cc: Gerald Stoker, P. E.
CEDAR CITY AREA OFFICE
Grant Twitcheell, Commissioner
ESCALANTE (SERV-ENTERPRISE) DISTRIBUTION SYSTEM